

Mandelbaum
Salsburg

attorneys at law

3 Becker Farm Road
Suite 105
Roseland, New Jersey 07068
www.lawfirm.ms
t. 973.736.4600
f. 973.325.7467

Edison, NJ
Elizabeth, NJ
Eatontown, NJ
New York, NY
North Palm Beach, FL
Denver, CO

E-Mail: cburststein@lawfirm.ms
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BARRY R. MANDELBAUM
WILLIAM S. BARRETT¹
LYNNE STROBER²
OWEN T. HUGHES³
ARTHUR D. GROSSMAN
DEBORAH L. GREENE
MICHAEL A. SAFFER⁴
STEVEN A. HOLT⁵
DENNIS J. ALESSI⁶
JOSEPH J. PETERS
CRAIG W. ALEXANDER⁷
MARTIN D. HAUPTMAN
STUART GOLD⁸
CHERYL H. BURSTEIN⁹
ROBIN F. LEWIS¹
RICHARD I. SIMON²
STEVEN I. ADLER
PETER H. TANELLA
DAVID S. CARON³
GORDON C. DUUS⁴
THOMAS W. ACKERMANN
RICHARD I. MILLER⁵
DANIEL J. BARKIN⁶
DOUGLAS I. EILENDER⁷
JEFFREY M. ROSENTHAL⁸
PETER A. LEVY⁹
MICHAEL F. BEVACQUA, JR.¹
LAWRENCE C. WEINER²
MOHAMED H. NABULSI³
EDWARD J. ALBOWICZ⁴

KHIZAR A. SHEIKH
ARLA D. CAHILL⁵
LAUREN X. TOPELSOHN⁶
CASEY GOCLE⁷
RONALD D. COLEMAN⁸
JOEL G. MacMULL⁹
VINCENT J. McGILL¹
DAMIAN P. CONFORTI²
RAJ GADHOK³

- SENIOR COUNSEL -
YALE I. LAZRIS
JOSEPH J. DISCENZA⁺
CHARLES S. LORBER

- COUNSEL -
LISA FACTOR FOX¹
ALAN L. SUSSMAN²
MANUEL R. GROVA, JR.
LAUREN A. CARNEVALE³
RYAN M. BUEHLER
MARC J. COMER⁴
JEFFREY E. GRABELLE⁵
MARK ORENSTEIN⁶

IRVING MANDELBAUM (1906-1993)
RICHARD M. SALSBERG (1938-2011)
ROBERT W. GLUCK (1947-2013)
RICHARD L. SLAVITT (RET.)
RICHARD H. STEINBERG (RET.)

- OF COUNSEL -
HON. MICHAEL K. DIAMOND (RET.)
HON. ROBERT A. LONGHI (RET.)
HON. PAUL J. VICHNESS (RET.)
ALAN L. GLAZNER¹
THOMAS V. HILDNER
VINCENT J. NUZZI²
MICHAEL L. KALMUS³
JAMES L. ESPOSITO
DEVANSHU L. MODI
LAURIE J. WOOG
JAMES T. ELLIOTT⁴
STEVEN L. POLAKOFF⁵
WILLIAM M. FETKY
HILARY L. BRUNELL
LAWRENCE B. GOODWIN⁶

- ASSOCIATES -
MARA P. CODEY¹
JENNIFER E. PRESTI
SHAWNA A. BROWN²
BRIAN M. BLOCK³
JOSHUA M. GORSKY⁴
ELISABETE M. ROCHA
NICHOLAS J. WALTMAN⁵
EDWARD P. DABEK, JR.⁶
DEREK PREVETE

◆ FELLOW OF THE AMERICAN ACADEMY
OF MATRIMONIAL LAWYERS
◆ DESIGNATED BY THE SUPREME COURT
OF NEW JERSEY AS A CERTIFIED
CIVIL TRIAL ATTORNEY
◆ CERTIFIED BY THE SUPREME COURT
OF NEW JERSEY AS A CERTIFIED
MATRIMONIAL LAW ATTORNEY
◆ CERTIFICATE; HEALTHCARE LAW
COMPLIANCE
◆ COURT APPOINTED MEDIATOR
◆ REGISTERED U.S. PATENT ATTORNEY

1 MEMBER OF NJ & PA BAR
2 MEMBER OF NJ & FL BAR
3 MEMBER OF NJ & NY BAR
4 MEMBER OF NJ, NY & CA BAR
5 MEMBER OF NJ, NY & PA BAR
6 MEMBER OF NJ, NY & D.C. BAR
7 MEMBER OF NJ, D.C. & CA BAR
8 MEMBER OF NY BAR
9 MEMBER OF NJ, NY & CO BAR

CELEBRATING 88 YEARS
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February 7, 2018

VIA ECF

Honorable Douglas E. Arpert
United States District Court
District of New Jersey
402 E State St
Trenton, NJ 08608

Re: Designs for Health, Inc. v. Ralph Moorehead, et al.
Civil Action No.: 3:16-cv-06040-BRM-DEA

Dear Judge Arpert:

Pursuant to your request during our telephonic conference on Monday, February 12, 2018, the following information may shed light on Ralph Moorehead's motion to quash the subpoena served upon him on January 11, 2018. Plaintiff objects to the motion in that this Court is not a proper venue to hear this matter. Moreover, it is my understanding, confirmed by Mr. Moorehead during the telephone conference, that he has filed a motion to quash in the Connecticut action where the Commission to take Out-of-State deposition originated. Attached as **Exhibit A** to this letter is a copy of the Motion for Commission as well as the Order granting the Commission. The papers in support of the motion for a commission describe the Connecticut action as an action between Designs for Health, Inc. (the plaintiff in this action) and Harris Moore, with whom Designs for Health had a business relationship.

On January 13, 2018, Mr. Moorehead was served with a *subpoena duces tecum* and *ad testificandum* pursuant to New Jersey Court Rule 4:11-4(b). Attached as **Exhibit B** is the Subpoena and Affidavit of Service. In response to being served with the subpoena, Mr. Moorehead filed a motion to quash in this Court. I spoke with Mr. Moorehead about him having



filed the motion in the federal court rather than the state court and told him that I believed it was filed in the wrong jurisdiction. I followed up that email with a letter attached as **Exhibit C**. In the meanwhile, Mr. Moorehead filed his motion to quash in the Connecticut action where the commission issued from. Attached as **Exhibit D**, an email dated January 19, 2018 advising that Mr. Moorehead filed an appearance and motion to quash in the Connecticut Superior Court case.

Certainly the Connecticut court is the best venue for a determination as to whether the information sought from Mr. Moorehead in that action is relevant to that action.

Respectfully,

A handwritten signature in blue ink, appearing to read "CH Burstein".

Cheryl H. Burstein

cc: Ralph Moorehead (via e-mail w/ encl.)